

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
June 24, 2003

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, June 24, 2003, in the East Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

TAX RELIEF FOR THE ELDERLY

Mr. McReynolds explained that several of the Board members had expressed an interest in reviewing the County's program for tax relief for the elderly and the disabled. He further explained that the program was based on income eligibility, as well as total net worth. He asked Mrs. Smith to make a presentation on the research of tax relief.

Mrs. Anne Smith, Director of Community Services, gave an overview of the County's Tax Relief for the Elderly Program and addressed some of the proposed changes. She explained the income limits are set according to HUD standards, and exempt a person's dwelling unit and one acre of land allowing combined financial worth not to exceed \$100,000. She stated that the County's program was amended in 2002 allowing a number of families to take advantage of the program. The Commissioner of Revenue's Office indicates that 424 people qualified in 2003, with a total amount relieved of \$197,699.00. She listed the Board's options for changing the current program as follows: (1) make no changes, (2) increase the income allowance, (3) increase the exemption amount, (4) implement a tax-freeze program, (5) implement a tax deferral program. She explained the implications of some of the proposed changes and provided a comparison chart with that of other localities.

Mr. Shepperd asked how much tax revenue would be given up for this program.

Mr. McReynolds stated it was difficult to estimate, but based on the increased limits today, it would be approximately \$198,000. The proposed changes should bring another \$30,000-\$40,000 worth of benefits.

Mrs. Noll pointed out that other jurisdictions, such as Virginia Beach, have either increased the exemption or have forgiven the taxes in part or whole.

Discussion took place concerning a change in the income limitations.

Mr. McReynolds explained that the average worth of the properties exempted would be approximately \$92,920.

Mr. Wiggins asked how many individuals were currently taking advantage of the program.

Mrs. Smith indicated that 424 people were currently participating in the program. She explained that the options being discussed would further enhance the benefits for current participants, but would not necessarily expand the program beyond the current participants. She indicated they would need to look at two options if they wanted to increase the number of people participating. They could bring a higher level of benefit to them by raising the eligibility income limit amount, and raise the exemption amount. She further explained the tax-freeze program where the tax rate could be frozen which would offset the rising cost of real estate and assessments. She noted that it could be combined with a higher income limit also.

Mr. Wiggins stated he liked the thought of the tax-freeze idea and felt it had a lot of merit.

Chairman Burgett summarized that the Board was interested in increasing the limits, and providing the 100 percent exemption for incomes below a certain level.

Mrs. Noll asked about freezing tax bills.

Chairman Burgett indicated when a tax bill is frozen all property owners pick up the slack, and he would prefer using another alternative.

Mrs. Noll expressed what they suggested now was still passing it onto the other citizens and that whether they do it through a tax freeze, tax-deferral, or whether the eligibility amount is raised, it still impacts other people.

By consensus, the Board agreed to increase the income allowance, and increase the exemption amount.

Mrs. Smith asked if the intent is to stay with the HUD Section 8 limits and go to the next level.

Mr. McReynolds stated the numbers he had run were based on the current program; and if the higher HUD amounts are used, the impact would be \$30,000-\$40,000. If the Board chose the \$50,000, the impact would be probably somewhere between \$75,000 and \$100,000.

Mr. Wiggins suggested that elderly people who make \$50,000 could have their tax bill frozen, and he asked how much it would cost the County.

Mr. McReynolds stated that while it was difficult to estimate the amount, over time it would increase dramatically due to the values going up and the benefits increasing each year.

Mr. Shepperd pointed out that Florida has a program where it applies to everyone when they become a certain age.

Mr. Wiggins expressed his concern for those needy, elderly people that may have to move out of their homes if the Board didn't approve some type of deferral system.

Chairman Burgett asked what the impact would be if they implemented the first two proposals.

Mr. Zaremba questioned whether the exemption should be 100 percent for all three categories.

Mrs. Noll asked if the limit should be \$17,850 and below or \$20,000 and below.

Mr. McReynolds suggested they first address the income limits.

Discussion continued over the possible income limitations.

Mrs. Smith stated the figure for one owner is \$30,900 and \$35,350 for two owners.

Mrs. Noll stated her agreement in using the HUD figures of \$30,900 for eligibility for one home-owner; \$35,350 for two eligible owners. She also agreed to 100 percent for income of \$17,850 and below; \$20,400 for two owners.

Mr. Shepperd mentioned \$17,800 or below with 100 percent exempt, acknowledging \$17,851 would be \$600. He stated he wanted it to balance out.

Mr. Zaremba questioned the three categories, and suggested having a tax exemption for those people 65 and over with a net worth \$100,000 or less, and an income of less than \$32,000 exempted.

Mr. McReynolds advised that the reason these three categories were chosen was because they matched the HUD brackets.

Mr. Zaremba suggested that the Commissioner of the Revenue be asked to prepare the numbers to determine the fiscal impact.

Mr. Wiggins stated the Board should examine the impact on the County if it froze the taxes of a 75-year-old couple with an income of \$50,000 yearly.

Chairman Burgett directed staff to look into freezing the tax on a 75-year-old couple with \$50,000 or less.

Mrs. Noll recommended they find out how many people would be impacted and how many thousands of dollars it would cost the County.

Mrs. Smith suggested that the Board let staff look at a percentage increase, similar to what was done in 2002.

Mr. Zaremba would like to see the three categories combined into one.

Mr. McReynolds explained if the categories were combined, and all of the 424 participants who were eligible participated this year and were given a 100 percent exemption, the tax benefit would be approximately \$330,000, up from \$197,000.

ZONING ORDINANCE AMENDMENTS: LANDSCAPING PROVISIONS

Mr. Carter outlined the proposed changes to the Zoning Ordinance regarding the County's landscaping requirements. He stated the proposals were based on maintaining the same tree planting ratios that are in place now but with added flexibility. They reduce the number of shrubs required, increase the credits available for planting larger trees, and increase incentives for preserving trees on existing lots. He discussed the preparation of landscaping plans and the criteria for requiring that plans be prepared by a professional.

Mr. Zaremba asked if requiring a professional infringed on a resident.

Mr. Carter explained the requirement would be used in situations where a site plan would have to be filed, such as a commercial or multi-family development, and would not apply to single family residential uses.

Discussion took place citing a particular shopping center and the problems navigating the parking lot due to overgrown and inappropriately located shrubbery.

Mr. Carter pointed out that the ordinance contained a long list of recommended trees and shrubs, but it does not distinguish the appropriateness of the types of plants to be used for various applications. The Master Gardeners recommend that the Board develop a list that is more targeted to specific applications, one that recognizes some of the limitations of certain types of landscaping in terms of the growth patterns, root characteristics, or susceptibility to wind damage. He stated a good example of what is needed is Henrico County's ordinance, and, working with the Master Gardeners, he would like to modify it for the County's use.

Chairman Burgett suggested that the trees and shrubs be planted in accordance with the ultimate size of the vegetation so that it will fit the area in the long run.

Mr. Shepperd voiced concerns over the trees not being large enough when first planted.

Mrs. Noll agreed with Mr. Shepperd, stating that when a business comes in, it needs to be attractive; and it would have to have plants that were sufficient in size and density.

Chairman Burgett indicated that staff should advise people not to over plant and to contact the Extension Office for help and suggestions.

Mr. Carter stated staff had basically kept the same tree planting ratio in the proposal; but in terms of shrubs, it had been reduced considerably. The ordinance also allows the use of perennials and ornamental grasses which had not been allowed in the past. He stated the revised proposal suggests that a credit system be used that is based on every 100 linear feet of yard area or every ten parking spaces in a parking lot.

Mrs. Noll asked how the proposed plan compared with those of neighboring jurisdictions.

Mr. Carter stated comparisons were done two years ago, and York was on the low end of the spectrum. He then provided a chart that summarized the credits being offered and discussed the credits should trees and shrubberies die. He then discussed the transitional buffers and compared the current requirements to the proposed changes. He cited examples of landscaped sites and provided comparisons of the current requirements and the proposed requirements.

Mrs. Noll expressed her approval to group buffers aesthetically, and she stated it would give greater visibility to signage and still allow them what they need to see.

By consensus, the Board agreed to send the proposed changes to the landscaping provisions, along with the changes in the parking and signage, to the Planning Commission for its review and recommendations.

CLOSED MEETING. At 7:22 p.m. Mr. Shepperd moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(A)(1) of the Code of Virginia to consider a personnel matter involving the appointment of individuals to Boards and Commissions and the salary of specific public appointees; and pursuant to Section 2.2-3711(A)(3) of the Code of Virginia regarding the use of real property for a public purpose, specifically pertaining to the disposition of publicly held real property.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

Meeting Reconvened. At 8:17 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of SR-1 which reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED SESSION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 24th day of June, 2003, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

APPOINTMENT TO THE YORK COUNTY PLANNING COMMISSION

Mr. Zaremba moved the adoption of proposed Resolution R03-98(R) which reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
PLANNING COMMISSION

WHEREAS, the Planning Commission terms of Ann F. White and Michael H. Hendricks will expire on June 30, 2003; and

WHEREAS, the Board desires to make two appointments to fill the at-large seats;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 24th day of June, 2003, that it appoints the following individual to the Planning Commission, to serve a term that begins July 1, 2003, and expires June 30, 2007, unless otherwise noted.

John R. Davis

On roll call the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE YORK COUNTY PLANNING COMMISSION

Mr. Wiggins moved the adoption of proposed Resolution R03-117 which reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
PLANNING COMMISSION

WHEREAS, the Planning Commission terms of Ann F. White and Michael H. Hendricks will expire on June 30, 2003; and

WHEREAS, the Board desires to make two appointments to fill the at-large seats;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 24th day of June, 2003, that it appoints the following individual to the Planning Commission, to serve a term that begins July 1, 2003, and expires June 30, 2007, unless otherwise noted.

Frederick W. Harvell

On roll call the vote was:

Yea: (4) Shepperd, Zaremba, Wiggins, Burgett
Nay: (1) Noll

Meeting Adjourned. At 8:19 p.m. Mrs. Noll moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Shepperd, Burgett
Nay: (0)

June 24, 2003

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors